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Richard J. Streit
Name

Signature

DOCKET: CU-1758

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Mitsuo SADO

SERIAL NO.: 09/117,795

FILED: November 10, 1998

TITLE: RELEASANT FOR AQUEOUS
POLYMER-TYPE FLOOR POLISH

Group Art Unit: 1774

Examiner: D. Garrett

The Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE

Dear Sir:

This is in response to the final Action date March 10, 2000. A request for a one month extension of the term for response up to June 10, 2000 is submitted in duplicate herewith.

The Examiner has rejected claims 1-3 as anticipated by the abstract of the Japanese reference (hereinafter "JP"). We have now obtained a translation of the cited Japanese reference for presentation to the PCT. The JP reference relates to a detergent composition and does not provide any teachings with respect to a releasant for use in removing an aqueous polymer floor polish from a floor. The JP reference is directed to cleaning compositions for removing heavy contaminants such as water-insoluble, high-polymer soil deposited on hard surfaces such as machinery and processed circuit boards. The cleaners described in the JP reference are used to remove soil components comprising high polymers containing acrylics as their principal components. The detergents act to expand and modify the contaminants before they are separated and washed off.

The reference does not anticipate claim 1. The compositions described in Table 1 of the JP reference do not anticipate the present claims because the only composition that contains diethylene glycol monobutyl ether is Example 3 of the JP reference. This example contains no benzyl alcohol. Examples 1, 2 and 4 contain benzyl alcohol, but neither of Examples 1 or 2 contain a monobutyl ether as required in claim 1 of the

present application. Example 4 does contain benzyl alcohol, an amine and a monobutyl ether, but the benzyl alcohol is present in an amount of 5% which is less than the 15-40% required by the present claims. It is noted that comparative Example 7 of the JP reference contains a monobutyl ether and benzyl alcohol, but there is no amine present and the benzyl alcohol is present in an amount of only 5% by weight. Thus, for the reasons set forth above and the other reasons set forth in Applicant's previous response (paper no. 8) the JP reference does not anticipate the present invention.

The Examiner has rejected claims 1-3 as unpatentable over VanEenam. VanEenam discloses a variety of components from which certain microemulsions are prepared. The claimed releasing agent is distinct from that of the VanEenam reference as the reference necessarily includes a surfactant and a "coupler" which allow for the formation of a stable microemulsion. The inclusion of the solubilizing additive consisting of a surfactant and a coupler being capable of transforming the solvent and builder to form a microemulsion and not a true solution is a necessary element of the reference.

The amount of this third ingredient, the solubilizing additive, is disclosed to be added in an amount sufficient to (just) transform the solvent and builder to the microemulsion. The resultant microemulsion would then necessarily have a very limited solubility as regards the components of the composition.

A key ingredient in these compositions is the presence of a sparingly water soluble organic solvent. Benzyl alcohol is mentioned in column 4, line 23 of VanEenam and is indicated as having an aqueous ambient temperature solubility of 4.4 wt% (see column 4, lines 18 and 19). The Water soluble organic solvent recited in instant claim 1 does not appear to be described in VanEenam. It is noted that a dibutyl ether (not a monobutyl ether as in the present invention) is mentioned at column 3, line 62 and 63 of VanEenam as among the solvents which are included within the classes of solvents that can be used by VanEenam, but is exemplified only to show solvents containing ether functional groups (see lines 51-55). From these classes of solvents, the sparingly water soluble solvents identified in column 4, lines 15+ are selected. It is noted at column 4, lines 47-59 that solvents having an aqueous solubility of less than 0.2% by weight and in excess of approximately 6% by weight are not useful in the practice of the invention. Thus, it would appear that a composition having more than 15% by weight benzyl alcohol as recited in instant claim 1 is not contemplated by VanEenam. Indeed, as noted previously, to use a solvent or other ingredient that would cause the formation of a true solution is to be avoided, see column 8, lines 13-17, and elsewhere.

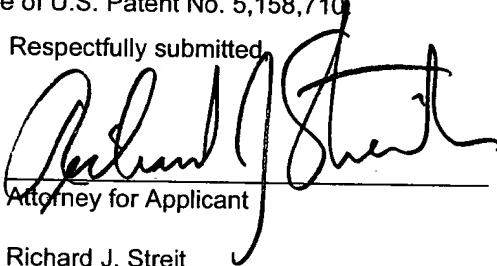
The Examiner has pointed out Example 20 of the reference which is the only example in VanEenam which appears to actually exemplify the use of benzyl alcohol. The example shows a formulation which contains 9 percent by weight benzyl alcohol. This is described as a degreasing composition (as opposed to the floor finish removal

compositions described in examples 2-11 which contain no benzyl alcohol). The Examiner has noted that this contains more than the 6% amount pointed out by applicant as being the upper limit of solubility acceptable for the sparingly water soluble solvents. This merely means that VanEenam uses more of the solvent than can be dissolved in the water so as to form a suspension or a macro-emulsion and then adds additional materials, such as the described solubilizing additives, to form a micro-emulsion, but not so much as to form a solution. Obviously because VanEenam wants the resulting compositions to be in the form of a micro-emulsion, the amount of these sparingly water soluble materials than can be added is limited because they need to be near their solubility limit to form such compositions as VanEenam describes. Column 7, lines 58+ describe the transition of the materials from a suspension to a microemulsion by the addition of other components. Clearly the amount of the sparingly soluble organic solvent must be present in amounts only slightly above its solubility limits in order to minimize the amount of additives that must be included in order to convert the suspension to a micro-emulsion. Certainly, there is no suggestion of adding as much as 15% by weight of benzyl alcohol to a composition as claimed in instant claim 1.

For the reasons stated, it is submitted that the invention defined in claims 1-3 of this application would not be anticipated or rendered obvious by JP 63069897 and would not be obvious from the disclosure of U.S. Patent No. 5,158,710

Respectfully submitted

5/18/00
Date


Attorney for Applicant

Richard J. Streit
c/o Ladas & Parry
224 South Michigan Avenue
Chicago, Illinois 60604
(312) 427-1300
Reg. No. 25765